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Counsel for Defendant ALEXANDER

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY ALEXANDER,

Defendant.

No. CR 09-719 EMC

STIPULATION and [PROPOSED]
ORDER TO CONTINUE STATUS
CONFERENCE

Date: October 26, 2011

Time: 2:30 p.m.

Court: The Honorable Edward M. Chen

Undersigned counsel stipulate as follows:

1. A status conference is currently scheduled in this matter on October 26, 2011 at 2:30 p.m. The purpose of the status conference is to advise the Court as to the status of a potential disposition of the case;
2. The parties hereby advise the Court that the government has made an official offer to Mr. Alexander, and the parties are conferring over some specific terms of the offer. The government has now provided the necessary discovery to the defendant regarding restitution, but the defense also needs additional time to review that discovery and make sure the amount requested is appropriate;
3. Accordingly, Mr. Alexander requests a continuance of the status conference for this purpose;
4. Government counsel has no objection to defense counsel's request for additional

time, given the outstanding discovery;

5. The parties jointly request November 23, 2011 at 2:30 p.m. as the next date before the Court;

6. The parties jointly request that the Court exclude the period of time between October 26, 2011 and November 23, 2011 under the Speedy Trial Act for effective preparation of counsel; namely, counsel needs more time to analyze and review the restitution-related discovery. *See* 18 U.S.C. § 3161(h)(7)(A) and (b)(iv).

IT IS SO STIPULATED.

DATED: October 25, 2011 _____/S/_____

ELIZABETH M. FALK
Assistant Federal Public Defender

DATED: October 25, 2011 _____/S/_____

MICHELLE KANE
Assistant United States Attorney

I hereby attest that I have on file all holographic signatures indicated by a “conformed” signature (/S/) within this efiled document.

[~~PROPOSED~~] ORDER

GOOD CAUSE APPEARING, it is hereby ORDERED that the status conference, previously scheduled for October 26, 2011 is hereby CONTINUED to November ~~23~~,³⁰ 2011 at 2:30 p.m.. The Court further orders and finds, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) and the reasons stated in this stipulation, that the failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation of a defense. Accordingly, the Court will exclude the time period from October 26, 2011 to November ~~23~~,³⁰ 2011 from the Speedy Trial calculation, and finds that the ends of

1 justice served by granting the requested two-week continuance outweighs the best interest in the
2 defendant and the public in a speedy trial.

3 18 U.S.C. § 3161(h)(7)(A) and (B)(iv)

4
5 IT IS SO ORDERED.

6
7 DATED: 10/26/11

8 THE HONORABLE
9 UNITED STATES JUDGE

